

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       BARRY JONES,

Case No.: 3:22-cv-00494-ART-CSD

4                   Plaintiff

**Order**

5       v.

Re: ECF No. 1

6       GEORGE CARRANZA, et al.

7                   Defendants

8                   Plaintiff is an inmate in the custody of the United States Penitentiary Canaan in  
9       Pennsylvania. He filed an application to proceed *in forma pauperis* (IFP) and a civil rights  
10      complaint pursuant to 42 U.S.C. § 1983 against Reno and Sparks Police Department Officers.  
11      (ECF No. 1-1.)

12                  The Local Rules of Practice for the District of Nevada provide: “Any person who is  
13      unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma*  
14      *pauperis* (IFP). The application *must be made on the form provided by the court* and must  
15      include a financial affidavit disclosing the applicant’s income, assets, and liabilities.” LSR 1-1  
16      (emphasis added). When a prisoner seeks to proceed without prepaying the filing fee, in addition  
17      to filing the affidavit, the prisoner is required to submit a certified copy of the trust fund account  
18      statement (or institutional equivalent) for the six-month period immediately preceding the filing  
19      of the complaint. The statement must be obtained from the appropriate official at the prison or  
20      detention facility where the prisoner is or was confined. 28 U.S.C. § 1915(a)(2).

21                  When a prisoner brings a civil action IFP, the prisoner is still required to pay the full  
22      amount of the filing fee. The court is required to assess, and when funds exist, collect an initial  
23      partial payment of 20 percent of the greater of: (A) the average monthly deposits in the

1 prisoner's account or (B) the average monthly balance in the prisoner's account for the six-  
2 month period immediately preceding the filing of the complaint. Thereafter, whenever the  
3 prisoner's account exceeds \$10, the prisoner must make monthly payments of 20 percent of the  
4 preceding month's income credited to the prisoners account until the filing fees are paid. The  
5 funds are to be forwarded by the agency having custody of the prisoner. 28 U.S.C. § 1915(b)(1),  
6 (2).

7 The regular filing fee is \$402, consisting of the \$350 filing fee and a \$52 administrative  
8 fee. If an inmate does not qualify for IFP status, he must pay the full \$402 filing fee. If the  
9 inmate qualifies for IFP status, the \$52 administrative fee is waived, and the inmate will only pay  
10 the \$350 filing fee over time.

11 Plaintiff has not submitted the IFP application on the court's form. Therefore, Plaintiff's  
12 IFP application (ECF No. 1) is **DENIED WITHOUT PREJUDICE**.

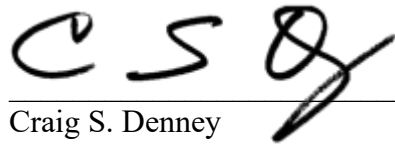
13 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP  
14 for an inmate in the District of Nevada. Plaintiff has **30 days** from the date of this Order to either  
15 file his completed IFP application on the court's form and financial certificate or pay the full  
16 \$402 filing fee.

17 Once Plaintiff has filed his completed IFP application and financial certificate or paid the  
18 filing fee, the court will screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) or 28 U.S.C.  
19 § 1915A, or both. Both require dismissal of a complaint, or any portion thereof, that is frivolous  
20 or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief  
21 against a defendant who is immune from such relief. If the complaint is dismissed on screening,  
22 there will be no refund of the filing fee, and an inmate proceeding IFP is still required to pay the  
23 \$350 filing fee over time.

1 If Plaintiff fails to timely file a completed IFP application on the court's form and  
2 financial certificate or pay the filing fee, this court will recommend dismissal of this action  
3 without prejudice.

4 **IT IS SO ORDERED.**

5 Dated: February 1, 2023

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7 Craig S. Denney  
8 United States Magistrate Judge  
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